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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-third year

Identical letters dated 27 April 2018 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

Just one day after the Security Council open debate on "The situation in the Middle East, including the Palestinian question", I am compelled to write to you again as Israel, the occupying Power, continues with its intentional killing and injuring of Palestinian civilian protesters in the Gaza Strip, demonstrating further its complete disregard for the rule of law, United Nations resolutions and basic norms of morality.

For the fifth week in a row, unarmed, defenceless Palestinian civilians have taken part in the "Great March of Return", a peaceful protest largely involving sit-ins, concerts, sports games, speeches and other peaceful activities. These protests, launched on 30 March and set to culminate on 15 May, the seventieth anniversary of the Nakba, are calling for the right of return of Palestine refugees to their homes and towns, demanding an end to Israeli occupation, siege and dispossession, and calling for Palestinian independence and freedom.

The demonstrators are also protesting the Israeli blockade of Gaza and the unbearable conditions of life there, where 2 million Palestinians, the majority of whom are refugees, have been subjected, for over a decade, to an illegal Israeli land, sea and air blockade that has vastly compounded the misery and suffering inflicted on the Palestinian people by five decades of Israeli military occupation, since 1967, and seven decades of dispossession and denial of their right of return to their homes and ancestral lands, since their ruthless uprooting in the Nakba of 1948.

While it is natural for any oppressed peoples to rise up against injustice and seek freedom, and while it is honourable for them to do so peacefully, Israel has clearly instructed its soldiers to respond to these demonstrations with lethal violence against the civilian protesters for daring to reject and challenge the occupation and its persecution. This systematic and widespread targeting of unarmed civilians is deplorable and illegal, constituting war crimes and crimes against humanity.

This has led United Nations bodies, human rights organizations and States worldwide to speak out. Earlier today, Amnesty International referred to Israel's

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actions as "a murderous assault against protesting Palestinians, with its armed forces killing and maiming demonstrators who pose no imminent threat to them". In a press release today, the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, stated, "images of a child being shot as he runs away from Israeli security forces are downright shocking", referring to the case of Mohammad Ayyoub, age 14, who was killed by a bullet to the head on 20 April.

Today alone, the Israeli occupying forces have killed three Palestinian civilians and injured more than 830 people, inflicting more devastation on families in Gaza and further overwhelming the health sector and emergency services, the capacities of which are already severely depleted after more than a decade of Israeli blockade. This brings the total number of Palestinian civilians killed since the protests began on 30 March to 44.

The casualties include Tahrir Mahmoud Said Wahbah, a deaf teenager aged 18, who died on 23 April from injuries sustained when he was shot in the head on 13 April while standing 150–200 metres away from Gaza's border with Israel in Khan Younis, and Abdallah Muhammad Jibril al-Shamali, age 20, who died on 22 April, two days after being shot in the abdomen by an Israeli sniper, east of Rafah in southern Gaza.

Journalists also continue to be attacked by the occupying forces. Ahmad Abu Hussein, a photojournalist, age 24, died on 25 April, succumbing to injuries sustained while covering protests on 13 April, when he was shot through the abdomen while wearing clearly marked press gear, in grave breach of international law and in violation of Security Council resolution 1738 (2006). As many as 66 journalists have been injured during the demonstrations held so far. Moreover, in a letter to the Israeli Prime Minister, the Committee to Protect Journalists noted that, since most of the journalists shot since 30 March were wearing vests marked "PRESS" at the time of injury, "the shootings suggest that Israeli authorities could be trying to suppress media coverage of the protests".

The deliberate targeting of athletes also continues, with six Palestinian athletes targeted since the protests began. Mohammad Khalil Obeid, a Palestinian football player, age 23, while posing no threat whatsoever, was shot in both knees on 30 March by Israeli soldiers. Alaa al-Dali, age 21, a cyclist who had been training for months to compete in the 2018 Asian Games in Indonesia, was shot in the leg on 30 March and then punitively denied a permit to leave Gaza for medical treatment in the West Bank, resulting in the amputation of his leg.

The injuries sustained by protesters have been "horrific", likely to leave many of them with permanent disabilities, according to doctors at the European and Shifa hospitals in Gaza City. The director of the emergency department at Shifa, Gaza's largest hospital, stated that most of the casualties were "wounded by live ammunition, mostly shot in the lower limbs, crushing large parts of the bones, cutting into veins, nerves and muscles, and losing skin in the injured area".

The humanitarian group Médecins sans frontières has also observed "unusually severe and devastating gunshot injuries" since the protests began. Furthermore, the charity stated on 26 April that: "Half of the more than 500 patients we have admitted in our clinics have injuries where the bullet has literally destroyed tissue after having pulverized the bone. These patients will need to have very complex surgical operations and most of them will have disabilities for life." The United Nations Humanitarian Coordinator, Jamie McGoldrick, also stated on 26 April that "over the course of four Fridays of demonstrations, far more Palestinians have been injured in the Gaza Strip than in the preceding three years combined".

Moreover, a spokesperson for Amnesty International has said that: "The nature of these injuries shows that Israeli soldiers are using high-velocity military weapons

designed to cause maximum harm to Palestinian protesters that do not pose imminent threat to them. These apparently deliberate attempts to kill and maim are deeply disturbing, not to mention completely illegal."

While Gaza's health sector is struggling to cope with this mass influx of casualties, Israel is compounding the severe challenges being faced by deliberately attacking paramedics and their equipment. Nearly 80 medics have been injured during the protests, including 5 by live fire, and 20 ambulances have been damaged by Israeli fire.

In addition, repeated declarations by Israeli officials over the past weeks amount to open admissions that killing unarmed civilian protesters, who pose no objective threat, is their policy and intent.

In a radio interview, Israeli Brigadier-General (Reserve) Zvika Fogel confirmed this premeditated, deliberate policy, stating that when snipers stationed along Israel's boundary with Gaza shoot at children, they are authorized to do so under clear and specific orders. "I know how these orders are given. I know how a sniper does the shooting. I know how many authorizations he needs before he receives an authorization to open fire. It is not the whim of one or the other sniper who identifies the small body of a child now and decides he'll shoot. Someone marks the target for him very well and tells him exactly why one has to shoot and what the threat is from that individual ..."

Such statements are not an aberration, but rather represent Israeli policy at the highest levels. They are also consistent with the incitement by Israeli officials as regards Palestinian children in other contexts. On 21 April, Israeli lawmaker Bezalel Smotrich published a tweet expressing that he was "very sad" that Palestinian child prisoner Ahed Tamimi is in jail because she "should have gotten a bullet, at least in the kneecap", adding that "that would have put her under house arrest for the rest of her life". Twitter temporarily suspended Smotrich's account and the tweet was deleted, but Smotrich said that he "stands behind every word in that tweet", insisting that deterrence is "attained through a balance of terror which is based on our capabilities, on draconian and disproportionate punishment — house demolitions, deportation of families, etc."

A report by Human Rights Watch also confirms that Israel's lethal violence against Palestinians demonstrating during the launch of the Great March of Return was premeditated and "planned at [the] highest levels of the Israeli government". Human rights groups Adalah and Al Mezan have also gathered evidence of 12 videos published on social media showing unarmed protesters, including women and children, being shot by Israeli occupying forces, with some people shot while waving the Palestinian flag or running away from the fence.

Moreover, in a letter addressed to the Secretary-General, Israeli human rights non-governmental organization B'Tselem states that the horrific casualty figures in the context of the Great Return March "are the predictable outcome of the manifestly illegal rules of engagement implemented during the demonstrations, of ordering soldiers to use lethal gunfire against unarmed demonstrators who pose no mortal danger", and pointed to Israel's political leadership, in particular the Prime Minister, Benjamin Netanyahu, the Defence Minister, Avigdor Lieberman, and the army chief of staff, for bearing "responsibility for these fatal outcomes".

In this regard, we reiterate the call by the Secretary-General, echoed by many States, including in yesterday's open debate of the Security Council, and by organizations around the world, for an independent and transparent investigation into the killing of Palestinian civilians by the Israeli occupying forces. These calls need to be followed by due action to hold the perpetrators accountable and prevent the

recurrence of such crimes and the loss of more innocent life, through the launching of an international mechanism that will ensure a legitimate investigation rather than another Israeli whitewash.

Against this backdrop of criminal activity in Gaza, the occupying Power, Israel, has persisted with its deliberate, systematic and gross violations in the West Bank, including East Jerusalem.

In this regard, ongoing violations of international law include home demolitions, forced evictions of families and communities, discriminatory land confiscation, the fragmentation of the territory and imposition of an apartheid regime, and the imprisonment, detention and torture of thousands of Palestinians, including 350 children, 62 women and 6 parliamentarians, in Israeli jails. Moreover, Israel continues to build the illegal wall in the Occupied Palestinian Territory, including East Jerusalem, and to violate the sanctity and historical status of Jerusalem, all in grave breach of the Fourth Geneva Convention, the Charter of the United Nations, United Nations resolutions and all human rights instruments, amounting to war crimes and crimes against humanity. Israeli settlers also continue to ruthlessly terrorize Palestinian civilians, with a weekly average of five attacks since the beginning of 2018.

Israel continues its colonization schemes, enacted and maintained by Israeli officials at all levels, combined with explicit statements by Israeli politicians calling for the annexation of the West Bank. Between 10 and 23 April alone, occupying forces demolished or seized 16 structures in six localities in Area C, affecting the livelihoods of at least 362 people. Israel issued at least 19 demolition and stop-work orders against structures belonging to three communities in Area C.

The persistence of this situation for decades, without remedy or accountability, has inflicted immense suffering on the Palestinian people. That we are entering the fifty-first year of this belligerent colonial occupation is outrageous and unacceptable.

The international community must not remain silent in the face of such blatant crimes, and the urgency of action cannot be overstated. On 26 April, the Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, warned the Security Council that "Gaza is about to explode" and stressed the urgency of collective international action to avert further disaster and to salvage peace prospects. It is incumbent on the Council to speak with one voice to condemn these crimes, demand their cessation, including a full lifting of the blockade, demand an investigation and ensure protection for the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, in accordance with international law, including humanitarian and human rights law, and relevant resolutions.

While the Palestinian people are determined to continue using non-violence to call for their rights, we urge the international community to encourage them and show them that their calls are heeded, not to send them the message that non-violence, international law and the international system will not help them in their quest for their inalienable rights and the realization of long-overdue freedom, justice and independence.

The present letter is in follow-up to our 631 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432–S/2000/921) to 20 April 2018 (A/ES-10/777–S/2018/377), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being

committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine
to the United Nations